

**DIVISION OF CHILDREN AND FAMILY SERVICES  
ADMINISTRATIVE MEMO #1-2010**

**To:** Service Area Administrators  
Economic Assistance Administrators, Supervisors, and Staff  
Child Support Enforcement Supervisors and Staff

**From:** Edward H. Matney, Policy Section Administrator *Edward H. Matney*  
Division of Children and Family Services

**Approved by:** Todd L. Reckling, Director *Todd L. Reckling*  
Division of Children and Family Services

**Date:** April 19, 2010

**Re:** Implementation of Legislative Bill 507

**Effective Date:** Immediately

**Duration:** Until June 30, 2011

**Contact:** Byron Van Patten, Administrator  
Child Support Enforcement Unit  
(402) 471-7312

**Purpose:** The purpose of this administrative memo is to provide guidance to staff regarding the implementation of Legislative Bill 507.

On April 13, 2010, Governor Dave Heineman signed Legislative Bill ("LB") 507 into law. Because LB 507 contained an emergency clause, certain provisions of the bill took effect on April 14, 2010. Among them is an additional review procedure for domestic violence "good cause" cases as they relate to sanctions for non-cooperation with the Child Support Enforcement Unit ("CSE").

Currently, an individual who is subject to a CSE non-cooperation sanction has the ability to request an exemption from the sanction by claiming that s/he has "good cause" for not cooperating with CSE. Such a claim is appropriate when cooperation may result in physical or emotional harm to the child or caretaker/parent with whom the child is living. Economic Assistance ("EA") and CSE staff are familiar with this process, and it remains in place. As an additional safeguard in these sensitive situations, CSE staff must send any case for which they are considering a "good cause" denial to the Child Support Enforcement Unit Administrator for review prior to finalizing the decision.

As you are aware through our current practice, EA staff do not make referrals requiring CSE cooperation until after the birth of a child. Accordingly, we would not impose a sanction for non-cooperation in a situation where a woman was pregnant and had no other children. That practice will not change.

However, an additional option for review of denials is now available to certain women who are subject to such a CSE non-cooperation sanction. If after the case has been reviewed by the worker, supervisor and administrator, and there is a denial of "good cause," then a woman may request this new option. The law requires that the woman be (1) pregnant, (2) a United States citizen, (3) a Nebraska resident, and (4) at an income level that is at or below 185% of the federal poverty level. A woman who meets those four criteria and is requesting her case be reviewed due to domestic violence issues may ask for her case to be reviewed by the Chief Executive Officer ("CEO") of the Nebraska Department of Health and Human Services in order for the woman to obtain prenatal services from state-only funds. EA staff need to inform women of this option that is available to them upon denial of a "good cause" claim.

If a woman meets the criteria for a current or former domestic violence situation as described above and advises EA staff that she wishes to request a CEO review of her case, EA staff must promptly provide her with the "Request for Review Form," a copy of which accompanies this memo. Once the woman completes the form and returns it, EA staff must forward one copy of the form to the CSE Unit's Central Office along with all information on the case; staff must also forward a copy of the form and the accompanying information to the Policy Section Administrator for the Division of Children and Family Services. The CSE Central Office staff will then review the information. Central Office staff will document their review and provide a recommendation to the CEO and send the information on to the CEO.

The CEO, with the assistance of CSE Unit staff, will review relevant information concerning the case at issue and the reasons for the requested review. After the CEO completes a review of all relevant matters, the CEO will notify EA and CSE staff of the decision, and staff will take action accordingly.



Department of Health and Human Services Non-Cooperation Sanction  
Request for Review Form

Full Name: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Non-custodial Parent (optional): \_\_\_\_\_

**Attention: Kerry T. Winterer, Chief Executive Officer**  
**Nebraska Department of Health and Human Services**

I am requesting a review of a Child Support Enforcement non-cooperation sanction under the provisions of § \_\_\_\_\_ of the Nebraska Revised Statutes.

Following are the reasons for this request.

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Printed name \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

For Internal Use Only:

EA Caseworker: (Name): \_\_\_\_\_ (Office): \_\_\_\_\_  
(Phone Number): \_\_\_\_\_

CSE Caseworker: (Name): \_\_\_\_\_ (Office): \_\_\_\_\_  
(Phone Number): \_\_\_\_\_

EA Supervisor: (Name): \_\_\_\_\_ (Office): \_\_\_\_\_  
(Phone Number): \_\_\_\_\_

CSE Supervisor: (Name): \_\_\_\_\_ (Office): \_\_\_\_\_  
(Phone Number): \_\_\_\_\_

CSE Central Office Administrative Review and Recommendation:

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- ☐ Documentation of Pregnancy
- ☐ Documentation of Income Equal to or Below 185% of Federal Poverty Level
- ☐ Documentation of Citizenship
- ☐ Documentation of Nebraska Residency
- ☐ Other Information Provided Relevant to Review